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UNCLAS LJUBLJANA 000333

SIPDIS

SENSITIVE

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TAGS: [PGOV](#) [PINR](#) [ECON](#) [SI](#)

SUBJECT: RUPEL WALKING ON THIN ICE

REF: (A) LJUBLJANA 0292 AND PREVIOUS, (B) LJUBLJANA

0212 AND PREVIOUS

1. (SBU) SUMMARY: FM Rupel sent a public letter to National Assembly members on 13 April openly opposing the nomination of State Prosecutor General Zdenka Cerar to replace Ivan Bizjak as Justice Minister. The letter also pointedly criticizes the governing coalition for abusing its strong parliamentary position at the expense of political consensus on issues of national interest. Media spin in English-language press outlets focused on Cerar's statements implying that the letter was nothing more than Rupel taking revenge on her for the diplomatic academy case (ref B). Slovenian-language commentary appears more broadly focused on trashing Rupel's reputation and record via a less-than-strict adherence to the facts. Rupel issued a clarifying statement on 15 April that unconvincingly attempts to cast the controversy as a misinterpretation of his original intent, explaining that he faulted Cerar's manner of fighting for the ministerial slot rather than Rop's nomination of her. We don't know what Rupel's intent was, but he has stepped out on a limb in openly challenging PM Rop, the LDS political strategists, and the coalition leadership. Rop has deferred announcing any official punishment of Rupel until his five new Cabinet ministers are in place (ref A), but Rupel's future is far from certain. This and other incidents further exacerbate unity problems within both the coalition and the LDS. END SUMMARY.

2. (U) On April 7, 2004, the three Peoples Party (SLS) ministers resigned from their GoS positions following the party's exclusion from all coalition decision-making after SLS failed to support two coalition ministers facing no-confidence votes (ref A). On April 9, 2004 PM Rop proposed technocrat replacements for the three ministers to the Parliament, with coalition agreement: State Prosecutor General Zdenka Cerar for Justice Minister, Marko Pavliha for Agriculture Minister, and Milan Pogacnik for Transport Minister. Opposition parties have only objected to Cerar's nomination, based on concerns over her performance as State Prosecutor.

3. (U) On 13 April, Foreign Minister Dimitrij Rupel sent a personal letter to National Assembly members in which he openly opposed Rop's proposal of Cerar for the Minister of Justice. In his letter Rupel claimed Cerar is not an appropriate candidate for the position, given that she "frequently proceeded in contradiction with the proverbial independence of judiciary" in the execution of her current duties and that nominating her for minister would be contrary to the "realization" of European standards and would cause Slovenia to become an object of derision. He also accused Cerar of "being responsible for delays in solving some of the most sensitive cases, such as SIB Bank, in which even some prominent LDS members are involved."

4. (U) Rupel's letter went on to pointedly criticize the governing style of the coalition itself, and by implication, PM Rop and his own Liberal Democratic Party (LDS). Rupel wrote: "regrettably recently, even in cases of national interest, we often decide for polarization and elimination instead of gathering around the center and looking for consensus. They [LDS and the rest of coalition] disregard the importance of understanding and think that simple outvoting and deciding with the majority is enough for controlling complex social processes. Even the decisions that brought to the separation of SLS and the coalition prove that we are in the middle of explicit polarization."

5. (U) On 14 April, Cerar reacted to the letter by expressing the hope that she would have the opportunity to answer Rupel's charges during her parliamentary hearings. Suggesting that Rupel's comments were revenge-based, she also stated, "I regret that this personal and political overreaction happened at my candidacy in the manner of an irresponsible attempt to

harm my personal reputation and the reputation of the prosecution office and overall judiciary." She added that "...during my leadership, Slovenian State Prosecutors never performed under my dictate, nor under a political one, but only by the law, and independently

within the framework of their authority." [NOTE: On 15 April, the National Assembly's International Affairs Committee approved Cerar's nomination by a vote of 12-5, split along party lines. Full floor vote is scheduled for 19 April.]

16. (U) Other reaction from GoS officials has been reserved. LDS Education Minister Slavko Gaber (who usually finds himself on the opposite side of policy and political strategy battles with Rupel) quipped "well, you know he likes to write..." when asked to comment by TV Slovenia. PM Rop initially said only that "it would be wrong to react too emotionally and quickly" to the letter, but that "Cerar will easily respond to Rupel's criticisms." Later on 15 April, after consulting with the LDS executive council, Rop announced that he would hold off making any decisions on Rupel's continued participation in the government until after the replacements for Ministers Potocnik, Petrin, Bizjak, But, and Presecnik were in place. Asked about the executive council views on Rupel's future, Rop responded "There are different positions. I think that foremost the interests of the state and the tasks ahead should be pursued, and of course in this context it should be studied how and in what way the functioning of the government can be provided efficiently." Rop deferred questions about Rupel's continued willingness to serve in the government to Rupel himself, but did comment that "it will have to be seen whether this is possible."

17. (SBU) Several prominent newspaper commentators have lashed into Rupel already, no doubt (again) smelling blood in the water. Criticisms go well beyond Rupel's current act of rebellion, dragging out every "indiscretion" -- both real and imagined -- he has committed during his tenure. The attacks are not by any stretch of the imagination confined to the facts. For example, Rupel has been accused of signing the infamous V-10 Statement on Iraq in blatant disregard of the Cabinet position, when in fact he was authorized to do so. He also has been accused of paying millions of toalars under the table to the nascent diplomatic academy in return for a teaching job, when the MFA budget and the official Letter of Agreement he signed with the academy clearly prove otherwise.

18. (SBU) Rupel himself reentered the fray late on 15 April, issuing a public statement clarifying his original letter. In it he presented a less than convincing argument that his intent had been misinterpreted. Rupel explained that he did not mean to criticize PM Rop for nominating Cerar or the coalition for supporting that nomination. Rather, he faulted the manner in which Cerar herself had pursued the ministerial slot, since he personally believed it was unsuitable for a candidate to actively fight for such a prominent position, but instead should await the PM's decision and accept it graciously.

#### COMMENT

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19. (SBU) We don't know to what degree the media's bashing of Rupel is being directed by his political rivals. Rupel has a generally adversarial relationship with the press, so it would not take much prompting to get the ink flowing. However, Delo's lead editorial on the topic was viciously comprehensive in its itemizing of Rupel's sins. The prominent placement of the piece in the paper's morning edition is particularly noteworthy given that the story of the letter first broke in television newscasts the prior evening -- after normal filing deadlines. Additionally, a more general editorial by a longtime intellectual adversary of Rupel's, which featured a similar laundry list of criticisms, appeared in the morning paper on the day that Rupel sent the letter.

110. (SBU) We also don't know Rupel's motivation in sending the letter, the implications of which he must have realized. Rupel certainly has no love lost for Cerar. He has disagreed with the direction in which domestic political players like Gaber have taken LDS recently. He has a generally good relationship with former LDS leader President Drnovsek -- who understands the importance of consensus to Slovenian political

tradition and has had a falling out with former protg Rop. Rupel also has a good personal relationship with

SDS President Janez Jansa -- his old DEMOS colleague. In any case, he has taken his professional future in his hands with this move, and his survival is far from certain.

11. (SBU) The Rupel letter is the latest in a series of recent developments that reflect a growing crisis of unity among governing coalition parties and within the ranks of the LDS. The constant disputes with SLS when it was still a member of the coalition, the SLS rebellion and expulsion, the inability of the coalition to gain parliamentary approval for candidates for routine positions (such as the Head of the Court of Audit, the Slovenian Eurojust rep, and a variety of EU judicial positions), and now Rupel's letter are the most obvious indications of these internal problems. However, we have also heard complaints from LDS party contacts and from staff within the Prime Minister's Office about Rop's general inaccessibility -- routinely blamed on the tight control maintained by his personal communications adviser and closest aide, Marijana Kanduti.

12. (SBU) Internal rivalries are not new to LDS. There have been problems and the emergence of factions in the past. But, the party has always managed to overcome disputes and to organize itself at the right moment, before elections, (helped by the fact that the internal factions have no desire to weaken the political powerhouse they are fighting over, and by the opposition's historical inability to present voters a viable alternative). However, a crucial electoral dynamic is that Slovenian voters (not unlike their American counterparts) tend to vote against parties/candidates rather than in favor of them. Taking this into consideration, LDS will place itself in a risky position if it does not settle things quickly, as voters could be sufficiently frustrated to vote against LDS. Whether those votes would go to a different coalition party (ZLSD, for example) or to the opposition is not clear. However Janez Jansa's SDS is positioning itself to take advantage of this possibility by announcing the formation of a shadow cabinet. END COMMENT.

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